

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

The undersigned complainant being duly sworn states:

COUNT ONE

That on or about October 30, 2007, within the Southern District of California, defendant Julio ESPINOZA, did knowingly and intentionally import approximately 11.28 KGS kilograms of methamphetamines, a Schedule 2 Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

John Mizusawa, Special
Agent U.S. Immigration and
Customs Enforcement (ICE)

Sworn to before me and subscribed in my presence, this 31th day of October 2007.

Janessa Carter

United States Magistrate Judge

PROBABLE CAUSE STATEMENT

I declare under penalty of perjury the following statement is true and correct.

On October 30, 2007 at approximately 9:05 AM., Mr. Julio Lino ESPINOZA De Leon entered the United States from the Republic of Mexico at the Otay Mesa Port of Entry, Otay Mesa California in a 1997 Volkswagen Hatchback bearing Republic of Mexico, Baja California plates AHV4400. During primary inspections at lane 10, U.S. Customs and Border Protection (CBP) Officer E. Gonzalez came in contact with the vehicle and the driver. CBP Officer Gonzalez identified the driver Julio Lino ESPINOZA De Leon utilizing the DSP-150 card. CBP Officer Gonzalez received a negative customs declaration for merchandise from ESPINOZA. CBP Officer Gonzalez asked ESPINOZA if he owned the vehicle and ESPINOZA replied, "yes". CBP Officer Gonzalez requested that ESPINOZA hand him the keys and ESPINOZA complied and extended his arm to hand the keys to CBP Officer Gonzalez. CBP Officer Gonzalez noticed at this time that ESPINOZA's hand that held the keys began to shake and ESPINOZA's eyes wandered. CBP Officer Gonzalez began inspecting the vehicle by lifting the rear passenger's side seat and observed fresh paint and weld marks. CBP Officer Gonzalez inspected the undercarriage and observed a non-factory compartment. Thereafter, CBP Canine Enforcement Officer (CEO) K. Lawson responded with his Narcotics Detector and Human Detector Dog (ND/HDD) "Henry" (CF-26) to lane 10. CBP CEO Lawson screened the vehicle from the passenger side with his NDD. On the initial pass, "Henry" alerted to the odor of narcotics emanating from the rear, passenger side quarter panel, and responded by sitting.

In the secondary inspection area a border search of the vehicle was conducted by CBP Officer C. Navarro. CBP Officer Navarro conducted a 7-point inspection of the vehicle and discovered a non-factory compartment below the rear seat of the vehicle. CBP Officer Navarro observed packages visible thru the drain plugs. CBP Officer Navarro probed one of the packages, which revealed a crystal like substance that field-tested positive for methamphetamines. CBP Officer Navarro pulled back the car floor rug which revealed an access panel. CBP Officer Navarro removed a total of 8 containers covered in grease from the vehicle. CBP Officer Navarro stated that the packages had a net weight of 11.28 kilograms.

On October 30, 2007 at approximately 10:30 AM., U.S. Immigration and Customs Enforcement (ICE) Special Agent (SA) J. Mizusawa and ICE SA A. Sanchez contacted ESPINOZA, the driver of the vehicle. ICE SA Sanchez translated for ICE SA Mizusawa the interview in Spanish. ICE SA T. Hudak assisted during the interview. ICE SA Sanchez advised ESPINOZA of his constitutional rights per Miranda in the Spanish language reading directly from a preprinted form and witnessed by ICE SA Mizusawa. ESPINOZA stated that he understood his rights and stated that he was willing to answer questions and signed the Acknowledgement of Rights form in the Spanish language. During post Miranda review subject declined any knowledge.

ESPINOZA was arrested and charged with violation of Title 21 United States Code, Sections 952 and 960. ESPINOZA, who is a Mexican citizen, was booked into the Metropolitan Correctional Center in San Diego, California. The methamphetamines and vehicle were seized by the U.S. Customs and Border Protection.